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| 09/895,622      | 06/29/2001  | Tomoya Kanayama      | 96790p369           | 6853             |

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EXAMINER

HINZE, LEO T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2854

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,622

Applicant(s)

KANAYAMA, TOMOYA

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/29/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31b" has been used to designate both an adjustment bolt and an engaging surface.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 3 objected to because of the following informalities: It appears that the passage "faces that press the outer surface" in line 5 should be --face that presses against the outer surface--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 3, 4, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 4, the phrase "plate-like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "plate-like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Regarding claim 8, the phrase "rod-like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "rod-like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Flinker.

Regarding claim 1, Flinker teaches an ink fountain apparatus for a rotary printing press, comprising: a rotatably supported ink fountain roller (2); an ink fountain comprised of a bottom plate (3) with one end supported close to said ink fountain roller and a pair of ink dams (1) standing upright from said bottom plate to correspond to two ends of said ink fountain roller and arranged to oppose in an axial direction of said ink fountain roller; at least one intermediate ink

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dam standing upright between said ink dams from said bottom plate, said intermediate ink dam including a first member (11) in contact opposite to an outer surface of said ink fountain roller and said bottom plate, a second member (17) in contact opposite to said first member, and a third member (19) in contact opposite to said second member; press means (24a, 25a) for pressing said first member through said third and second members toward the outer surface of said ink fountain roller and toward said bottom plate; and an adjustment tool (26) for adjusting a tight contact state of said first member with respect to at least one of the outer surface of said ink fountain roller and said bottom plate.

Regarding claim 2, Flinker teaches an ink fountain apparatus for a rotary printing press, wherein said first member (11) is made of a wear-resistant elastic material (e.g. "fairly firm rubber", col. 2, lines 80-81).

Regarding claim 3, Flinker teaches an ink fountain apparatus for a rotary printing press, wherein said first member (11) is a plate-like member arranged in a direction perpendicular (e.g. Fig. 1) to the axial direction of said ink fountain roller and with one end faces that press the outer surface of said ink fountain roller and said bottom plate, said third member (19) is a plate-like member arranged in a direction perpendicular to the axial direction of said ink fountain roller and with one end face that presses said second member by press operation of said press means, and said second member (17) is a thin plate-like member arranged between the other end face of said first member and one end face of said third member (e.g. Fig. 3).

Regarding claim 4, Flinker teaches an ink fountain apparatus for a rotary printing press, wherein the thin plate-like member serving as said second member (17) is made of a thin steel

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plate with spring properties (e.g. "...resilient strip 17, preferably of steel which is resilient yet not excessively stiff...", col. 2, lines 100-101).

Regarding claim 5, Flinker teaches an ink fountain apparatus for a rotary printing press, wherein said adjustment tool (26) adjusts said first member substantially in a direction toward a position where the outer surface of said ink fountain roller and said bottom plate oppose each other (e.g. Fig. 5).

Regarding claim 9, Flinker teaches an ink fountain apparatus for a rotary printing press, comprising a rotatably supported ink fountain roller (2) , said ink fountain apparatus comprised of a bottom plate (3) arranged at a position close to said ink fountain roller and a pair of ink dams (1) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (11, 17, 19) arranged between said pair of ink dams, said apparatus comprising a press member (24a, 25a) which is supported movably, which moves in one direction to press said intermediate ink dam toward an outer surface of said ink fountain roller and toward said bottom plate, and which moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam (e.g. Fig. 5).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flinker in view of Miyoshi, et al.

Flinker teaches all that is claimed in the above rejection of claim 1, except for an ink fountain key with a distal end projecting toward said ink fountain roller closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member and in contact with an upper face of the projecting distal end of said fountain key.

Miyoshi teaches an ink fountain apparatus for a rotary printing press, further comprising an ink fountain key (5) supported by a lower surface of the bottom plate (7) and with a distal end projecting toward said ink fountain roller (2) closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member (14) and in contact with an upper face of the projecting distal end of said fountain key (e.g. Figs. 1 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker to have an ink fountain key (5) supported by a lower surface of the bottom plate (7) and with a distal end projecting toward said ink fountain roller (2) closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member (14) and in contact with an upper face of the projecting distal end of said fountain key, because Miyoshi teaches that this arrangement is advantageous for an ink fountain divider which can establish firm contact with an ink fountain arrangement with large contacting

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force and thereby can completely prevent an ink from causing leakage, and is, in turn, light weight and easy in installation and removal.

10. Claims 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flinker in view of Troy.

Flinker teaches all that is claimed in the above rejection of claims 1 and 9, except:

- an ink fountain apparatus for a rotary printing press, wherein said third member has an engaging surface formed of a slant surface, and said press means comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface (claim 7);
- an ink fountain apparatus for a rotary printing press, further comprising a support formed integrally with said intermediate ink dam and having an engaging surface, a holder for supporting said support to be movable in a direction to become close to and away from said ink fountain roller, and an operating portion formed integrally with said press member and adapted to release a distal end of said press member from the engaging surface against a biasing force (claim 10);
- an ink fountain apparatus for a rotary printing press, further comprising a support bar for supporting said holder to be movable in an axial direction of said ink fountain roller, and a fixing mechanism for fixing/releasing said holder to/from said support bar (claim 11).

Troy teaches:



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- an ink fountain apparatus for a rotary printing press, wherein said member (15) has an engaging surface formed of a slant surface (33), and said press means (31) comprises an operation rod (32) biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface (claim 7);
- an ink fountain apparatus for a rotary printing press, further comprising a support formed integrally (33) with said intermediate ink dam (15) and having an engaging surface, a holder (30) for supporting said support to be movable in a direction to become close to and away from said ink fountain roller, and an operating portion formed integrally with said press member (32) and adapted to release a distal end of said press member from the engaging surface against a biasing force (e.g. Fig. 6) (claim 10);
- an ink fountain apparatus for a rotary printing press, further comprising a support bar (20) for supporting said holder to be movable in an axial direction of said ink fountain roller, and a fixing mechanism (29) for fixing/releasing said holder to/from said support bar (claim 11).

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker wherein said third member has an engaging surface formed of a slant surface, and said press means comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface, because Troy teaches that this arrangement is advantageous for an adjustable divider which is arranged to jam against the fountain roller so that a leakproof partition is provided.

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Regarding claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker to have a support formed integrally with said intermediate ink dam and having an engaging surface, a holder for supporting said support to be movable in a direction to become close to and away from said ink fountain roller, and an operating portion formed integrally with said press member and adapted to release a distal end of said press member from the engaging surface against a biasing force, because Troy teaches that this arrangement is advantageous for an adjustable divider which is arranged to jam against the fountain roller so that a leakproof partition is provided.

Regarding claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker to have a support bar for supporting said holder to be movable in an axial direction of said ink fountain roller, and a fixing mechanism for fixing/releasing said holder to/from said support bar, because Troy teaches that this arrangement is advantageous for an adjustable divider which is arranged to jam against the fountain roller so that a leakproof partition is provided.

*Allowable Subject Matter*

11. Claim 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action, and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, the prior art does not anticipate or render obvious the rod-like press member with a spring accepting portion, a screw with a second through-hole in which said press member extends and threadably engaged with the other end of the first through hole, and a spring mounted between the spring accepting portion and said screw.

Regarding claim 12, the prior art does not anticipate or render obvious a spring accepting portion fixed to said press member, a screw with a second through hole in which said press member supported in the first through hole to be movable in the moving direction of said intermediate ink dam extends, and a spring mounted between said spring accepting portion and said screw.

14. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

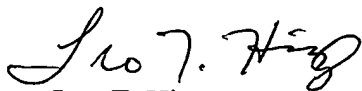
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.



Leo T. Hinze  
Patent Examiner  
AU 2854  
January 24, 2003



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